

**BOROUGH OF WESTWOOD
PUBLIC MEETING OF THE MAYOR & COUNCIL
JULY 20, 2010 MINUTES
MUNICIPAL COMPLEX
101 Washington Avenue
7:30 PM Executive Closed Session/8:00 pm Public Session**

1. Opening of the Meeting:

The meeting was called to order by Mayor Birkner at 7:30 pm. Mayor Birkner then read the Open Public Meetings Law Statement: "This meeting which conforms with the Open Public Meetings law, Chapter 231, Public Laws of 1975, is a regular Borough Council meeting. Notices have been filed with our local official newspapers and posted on the municipal bulletin board."

2. Roll Call:

Mayor Birkner – Present
Councilmember Grefrath - Present
Councilmember Phayre - Present
Councilmember Quinn - Present
Councilmember Sciara - Present
Councilmember Waneck - Present
Council President Miller - Present
Borough Mr. Hoffmann - Present
Borough Attorney Huntington - Present
Borough Clerk Hughes - Present

Committee Assignments:

Finance, Administration & Capital Projects
Public Properties
Health & Recreation
Fire & Ambulance
Land Use
Police & OEM

3. Executive Closed Session:

RESOLVED THAT the Mayor and Council of the Borough of Westwood shall convene in Executive Closed Session to discuss the following matters:

Personnel Matters
Pending/Potential Litigation
Attorney's Report

Said discussions are deemed legally confidential pursuant to NJSA 10:4-12(b)

- (7) Litigation or contract negotiation, attorney/client
- (8) Employment matters

The Clerk is directed to keep separate minutes of the meeting which shall be made public Once that matter has been resolved.

Motion to enter Closed Session with the intention to reconvene in Open Session: Council President Miller Second: Councilmember Sciara

Roll Call: Councilmember Grefrath - Yes
Councilmember Phayre - Yes
Councilmember Quinn - Yes
Councilmember Sciara – Yes
Councilmember Waneck - Yes
Council President Miller – Yes

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Sciara

Second: Councilmember Grefrath

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 8:05 pm.

5. Roll Call II:

Mayor Birkner – Present
Councilmember Grefrath - Present
Councilmember Phayre - Present
Councilmember Quinn – Present
Councilmember Sciara - Present
Councilmember Waneck - Present
Council President Miller - Present
Borough Mr. Hoffmann - Present
Borough Attorney Huntington - Present
Borough Engineer Boswell - Present
Borough Clerk Hughes – Present

6. Flag Salute

Council President Miller gave the invocation. Mayor Birkner led those present in the salute to the flag.

Mayor Birkner noted the Borough family is struggling with the injury that occurred earlier in the day to the Borough DPW Mechanic. He asked for all residents thoughts and prayers to be with Gary Haight and his family.

7. Proclamation Honoring Brandon Houlis

Before presenting the proclamation, Mayor Birkner informed everyone of how Brandon Houlis had saved his father's life using the Heimlich Maneuver. Officer McNamara and Councilmember Quinn also commented on Brandon's quick thinking and courage.

8. Proclamation Celebrating Kathryn Hodges' 50 Years of Public Health Nursing

9. Certificates of Appreciation for Daisy Troop 4306

10. Fire Department Scholarships

Assistant Chief Kelley presented the annual scholarships to Brian Trager, Kristin Woods, and Alexandra Stankus.

11. Police Promotions

Resolution #10 -200 : Appointment of Police Lieutenant – William Pesler.

Motion to adopt resolutions #10-200: Council President Miller

Second: Councilmember Sciara

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes
Councilmember Waneck - Yes
Council President Miller – Yes

Mayor Birkner administered the Oath of Office to William Pesler. Chief Regino presented him with the Lieutenants badge. Lt. Pesler addressed comments to the audience.

Resolution #10 -201: Appointment of Police Sergeant – Matthew McClutchy.

Motion to adopt resolutions #10-201: Council President Miller

Second: Councilmember Sciara

Roll Call: Councilmember Grefrath - Yes
Councilmember Phayre - Yes
Councilmember Quinn - Yes
Councilmember Sciara - Yes
Councilmember Waneck - Yes
Council President Miller – Yes

Mayor Birkner administered the Oath of Office to Matthew McClutchy. Chief Regino presented him with the Sergeants badge. Sgt. McClutchy addressed comments to the audience.

There was a brief recess at this time.

12. Adoption of Minutes: March 2 work session, March 16 public meeting, March 23 budget work meeting

Approval of Minutes: March 2nd Work Session Minutes

Councilmember Grefrath presented the minutes of the March 2nd Mayor and Council work meeting for consideration.

Motion to adopt the closed and work session minutes of March 2nd: Councilmember Grefrath

Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes
Councilmember Phayre - Yes
Councilmember Quinn - Yes
Councilmember Sciara - Yes
Councilmember Waneck - Yes
Council President Miller – Yes

Approval of Minutes: March 16th Public Meeting Minutes

Councilmember Grefrath presented the minutes of the March 16th Mayor and Council Public meeting for consideration.

Motion to adopt the closed and Public session minutes of March 16th: Councilmember Grefrath

Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

Approval of Minutes: March 23rd Budget Work Session Minutes

Councilmember Grefrath presented the minutes of the March 23rd Mayor and Council budget work meeting for consideration.

Motion to adopt the closed and work session minutes of March 23rd: Councilmember Grefrath

Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Abstain

Councilmember Waneck - Yes

Council President Miller – Yes

13. Reports of Committees and Officials:

A) Mayor's Report

1) Westvale Park

Mayor Birkner reported that work at Westvale Park is proceeding at a rapid pace.

2) HUMC

Mayor Birkner reported that he has spoken to Frank Luna, the Director of Interregional Affairs for Governor Christie. Mr. Luna made quite clear that neither the Governor nor his staff would meet with representatives of the Pascack Valley any time soon, despite repeated requests. Mr. Luna indicated that 'something would move before the end of the summer.' Mayor Birkner is not clear if that is negative or positive. HUMC remains committed to the reopening of hospital. The CFO has said HUMC is 'all in' with regards to this project. Mayor Birkner urged residents to continue writing to the Governor.

3) Board of Education Update

Mayor Birkner noted that School Superintendent Geoffrey Zoeller had presented the Board of Education's plan to renovate the High School recreation facilities at the July 6th work session.

Mayor Birkner said a public hearing would be held on the matter at the July 29th Board of Education meeting.

4) Shared Services with Washington Township

Mayor Birkner thanked Councilmembers Phayre and Grefrath for participating in the first Shared Services Joint Committee Meeting with the Township of Washington. Although introductory, many good ideas were discussed, both large and small, from the purchase of paper clips to security. Nothing is off the table, and nothing is definite. The next committee meeting is August 2.

5) Pascack Brook Sewer Pipe Repairs

Mayor Birkner reported that repairs have begun on the Pascack Brook sewer pipe.

B) Engineer's Report

1) Bi-weekly Report

Dr. Boswell reviewed the biweekly report, a copy of which is attached.

2) 2010 Bergen County Road Resurfacing

Dr. Boswell explained that for the 2010 Bergen County Road Resurfacing project, each municipality is responsible for the curb, sidewalk and handicap ramp work. The Borough must contract with the County's contractor, J.A. Alexander. The County will reimburse the Borough for the paving costs. The Borough is responsible for police and inspection. Broadway/Old Hook Road from Jefferson Avenue to Kinderkamack Road, and Washington Avenue from Broadway to Lafayette will be paved.

Councilmember Waneck asked what the Borough costs would be. Dr. Boswell provided a proposal of \$3,000. Councilmember Waneck asked if resurfacing could be considered an unfunded mandate. Dr. Boswell said it is a change of policy for Bergen County, who used to resurface without installing handicap ramps. The State chastised them for that. So the County policy is for the municipalities to install the handicap ramps and curbing or they will not pave. Councilmember Waneck asked the value of the paving. Dr. Boswell explained that said every 100 ft of road requires 50 tons of asphalt at roughly \$75 a ton, so the cost is probably \$300,000 - 400,000. Councilmember Waneck calculated that the curbs are a small percentage of the project.

Dr. Boswell advised that another municipality is arguing that the County should be providing police for their road.

3) Westvale Park

Dr. Boswell explained that the contractor has encountered changed site conditions at Westvale Park. He explained that the landfill was capped with a clay cap and soil overburden. The elevations of the cap and soil were not consistent with the certified plans as provided.

Dr. Boswell cautioned that getting the cap and soil exactly right could be difficult to do, but Boswell Engineering had relied on the plans when designing the project. He had not anticipated having to pierce the clay liner to lay pipe. In some areas there is one foot of overburden, and in some five feet, which the plans don't show. Once the discrepancy was realized, the grade levels were raised as much as possible to avoid piercing the clay liner. Pipe specifications were changed from 12 inch to 8 inch, with corresponding changes to connectors. Even with the modification the contractor will still need to excavate into the clay layer and/or the garbage. Boswell Engineering performed some borings to ensure the cap was of sufficient integrity and thickness. While some areas are less than 18 inches, permeability tests show the cap will accomplish its task even though it don't meet the spec or what the Borough was told was there. There is a resulting site change for the contractor. This includes the switch from 12 inch to 8 inch pipe. The Borough can sell 12 inch pipe, however, Dr. Boswell noted the restocking charge to return the pipe is too expensive to make that a viable option. The site change also includes the need to remove clay, separate the garbage, replace clay where necessary, and utilize additional stone. The Westwood DPW is providing the dumpster for the removal of the garbage. Boswell Engineering has calculated estimated quantities and negotiated with the contractor to reduce the price from \$340,000 to approximately \$187,000. Dr. Boswell stressed that this is work that has to be done. He urged the Council to approve the change order. Contractor working 10 hour days.

Dr. Boswell pointed out that Alternates B, C, D and E have not been ordered yet. That totals \$478,000. Eliminating these items would fund this change order and provide \$300,000 additional funding if funding falls short. The items he recommends deleting without harming the project should there be funding issues would be the lighting of the fields and the concession stand. Those two items all told total \$784,000 of the bid. After deducting the change order that would leave \$600,000. Dr. Boswell wanted to make the Governing Body aware of that should there be funding problems.

Dr. Boswell said if the change order is not approved tonight, work on the project cannot be accomplished. The drains are required to make everything work. This situation could not be anticipated. Dr. Boswell believes the contractor's price is now reasonable. The quantities were estimated a little high so as not to have to add to the change order later on. In reality Dr. Boswell believes the cost should be less than estimated.

Council President Miller said the Governing Body is being asked tonight to make a decision about not going forward in some areas in response to the change order. He asked for a timetable on the grant funding. Mr. Hoffmann said the County has to submit a ROSI, which they have not yet completed. It will be submitted the last week in August. Once submitted, Green Acres can get signatures and release funding to the County, sometime in October. Then the County cuts the check to Westwood. The County must pass a resolution for the additional underfunded amount of money, which totals \$123,460. That resolution is prepared and should be on their next available agenda. Council President Miller asked if the Borough would receive the \$123,460 first. Mr. Hoffmann said no, but both amounts could be released

together. Councilmember Waneck pointed out that the Freeholders could delay their vote, since they have done so in past. Mayor Birkner concurred that it was the St. Patrick's Day meeting that was cancelled. He noted that in order to update the ROSI the County must identify every single easement in Bergen County, which is a huge task. Councilmember Waneck estimated that the Borough has been waiting 18 months for this money since initially notified of the grant. Mayor Birkner said the ROSI update was just requested recently.

Councilmember Waneck said there are many unknown variables with this project. The infrastructure needs to be done, but she does not want the Borough backed into a corner by having things that could have been omitted put in place. Councilmember Waneck asked Dr. Boswell what the last possible date would be to tell the contractor not to order the lights, etc.

Dr. Boswell said right now no approved submittals for the lights. If the Council directs him to hold off on ordering the lights then he will do so. There is a risk of the contractor requesting extra money for the time delay, but Dr. Boswell does not believe it is a big risk. He reiterated that if the Governing Body tells Boswell Engineering what not to do, he will be sure it will not get done. Dr. Boswell advised that while lights are an obvious choice, the concession stand also big chunk of the project. The contractor hasn't decided whether to order or build the concession stand yet. Dr. Boswell emphasized that all other items, such as the foundations for the lights, are infrastructure items.

Mayor Birkner said if there is a delay in receiving the \$623,000, lights could be installed in April rather than October. Dr. Boswell agreed that since the fields wouldn't be available for play before June, the lights can go in later. He recommended ordering in November for spring placement. While the Contractor may want something for it, Dr. Boswell is not sure he would be entitled.

Dr. Boswell asked for direction on whether to hold off on the lights. Councilmember Waneck suggested holding off on whatever adds up to \$500,000. Dr. Boswell recommended holding off on \$686,000 to cover the change order. Mr. Huntington said it needs to be determined if this is a timing problem or funding problem. If the Borough knows it will receive the \$500,000, then there are other means to temporarily fund the project that are not onerous, such as short time financing based on the ability to sell bonds. Mr. Huntington said the question is whether the money is coming at all.

Mayor Birkner asked if there is signed approval for the grant. Mr. Hoffmann said yes. Mayor Birkner asked if there is signed approval by Green Acres saying the Borough is approved for a 25% grant. Mr. Hoffmann said the grant will pass through Bergen County, but yes. Mayor Birkner asked if the Borough has a signed management agreement with the County to pass through the grant. Mr. Hoffmann said yes. Mr. Huntington said then it may just be a question of timing that is not difficult to rectify. Dr. Boswell suggested that if the money is going to be received in October/November, then just tell the contractor to not order until October and they will be paid in November. Dr. Boswell believes there are two different issues: will the Borough get the money vs. when will the Borough get the money. Council President Miller said the Council is concerned that the Borough will never get the money. He

referenced a problem with retiring a bond that was supposed to be easy but has been ongoing for months. Council President Miller feels the Borough will realistically not see the money until January, which could change Dr. Boswell's recommendation.

Dr. Boswell said he only needs a decision on approving the change order tonight. The lights are not yet ordered, and Dr. Boswell will not give permission to order the lights until the Council approves. Councilmember Waneck said the Council needs to reiterate its intentions to make sure everyone knows exactly what is being talked about. Councilmember Sciara agreed with Councilmember Waneck and Council President Miller that if the Borough doesn't have the money, the Borough can't spend the money. It's not fair to the taxpayers. Councilmember Sciara said the Borough can't count on the government to provide the funds, period, much less in a timely fashion. Funding could be frozen at any time by the Governor or County Executive. The Borough must be cautious. Councilmember Sciara explained that the Council wants Dr. Boswell to know about the concerns with financing so he will proceed with caution and talk to the Council along the way.

Councilmember Phayre asked whether putting off the lights would result in doing the work twice. Dr. Boswell said no, even if the lights were ordered individually there wouldn't be a big impact to the price. Councilmember Phayre reiterated that the lights and the concession stand are the items to be delayed at this time. Mayor Birkner does not think that the concession stand should be put off. Dr. Boswell explained that he was just pointing out the large cost items. The decision is up to the Governing Body. Councilmember Waneck asked what Alternates B-E equal. Dr. Boswell said they add up to \$478,000. Councilmember Waneck replied that there is the \$187,000 change order to include. Dr. Boswell said that is why he brought up the concession stand. While it is important to the project, it is not infrastructure and could be removed at this time. Mayor Birkner concurred that the infrastructure is essential to building the facility correctly. Dr. Boswell reiterated that the concession stands and lights are the cuts he would recommend if necessary that would cover the cost of the change order and the possible \$500,000 shortfall and leave a little extra left. If the issue was just the change order, Dr. Boswell stated that the recommendation would just be for the softball and baseball field lights.

Councilmember Waneck asked if there will be any other site condition issues. Dr. Boswell believes they have accounted for everywhere that grade is an issue so he expects this will be the only change order. He reiterated that the change order should come in under the amount estimated

Councilmember Grefrath recapped that Dr. Boswell felt the Borough should not be concerned that the skim over the cap is 1 ft in some places, 5 ft in others. Dr. Boswell explained that the overburden on the cap has no impact on the function of cap. What was more disconcerting at first was that the cap was only 12-13 inches in some areas that should be 18 inches. However, Boswell Engineering performed borings and met with the DEP on to ensure that there was no issue. The difference in the overburden only causes problems when it results in digging into the cap. It doesn't affect the integrity of cap because the cap is being

restored to maintain the impermeability, integrity, and methane blocking. The clay will be put back from where it has been removed to 24 inches just to be safe.

Councilmember Phayre asked about the pipe replacement Dr. Boswell said there will still be some 12 inch pipe where possible. Councilmember Phayre asked if some of the pipe that had already been purchased would be used. Dr. Boswell said probably none of the already-purchased pipe would be utilized, but he would find out. He noted that the bigger part of the change order is for the clay.

Council President Miller asked what a delay to installing the concession stand would cost. Dr. Boswell said the contractor has submitted plans to build on site instead of ordering a prefabricated building. This work would be done near the end of the project. The issue would be if the Borough did not let him build the concession stand, which might cost him less to build rather than order, would there be a loss of profit owed to him. Dr. Boswell said there are DOT rules on deleted items that do not allow for loss of profit, all of which would come under Mr. Huntington's purview. He mused that if the concession stand were put off now until funding was available, would it be ready in June? If the Borough tells the contractor him to put off, the concession stand, and he does the work in April, is that an issue? Dr. Boswell mentioned that the contractor is planning to work 10-hour days if the change order is approved tonight.

Dr. Boswell stressed that bathrooms are very important. He would suggest redesigning a small bathroom facility if the concession stand is not used. Council President Miller asked when that would need to be decided. Dr. Boswell surmised August 1, which allows a 6-8 week lead time. Mayor Birkner said that date would be for a prefab. If the contractor builds the concession stand it's further out. Dr. Boswell agreed.

Council President Miller summarized that a decision is needed by August 1 on the concession stand, but the Borough won't know if the grant money is coming in until October, November or December. In his opinion there is no money to do the concession stand. Councilmember Waneck agreed. Dr. Boswell said the dates he is providing is assuming the contractor is on schedule. If the Governing Body says don't do the concession stand until next March, that is a different question. Council President Miller reiterated that contractor needs to know about concession stand by early August if the project is to be completed by October. Dr. Boswell said yes. Councilmember Waneck asked if the concession stand foundation was a separate line item. Dr. Boswell said it is. Councilmember Waneck asked if it includes the foundation and plumbing. Dr. Boswell said yes.

Council President Miller concluded that the Borough must go forward with the change order, but should hold off on the lights and concession stand. Dr. Boswell asked for direction unless he hears otherwise he will not allow the lights or concession stand to be ordered until further notice. Councilmember Waneck suggested a consensus be obtained on Council President Miller's summation.

Councilmember Phayre commented that while he is looking forward to completing the project, he wants to control funding. If the time is there, he agrees with delaying the lights

and concession stand. Councilmember Quinn stated that the change order has to be done. She would like to see the project completed as designed, including the playground, but believes the Borough has to be fiscally responsible. Councilmember Sciara agreed that everyone on the Governing Body would like to see the project completed as originally planned, but the funding has to be managed, so at this time it is a consensus to hold off until money is in place. Councilmember Grefrath clarified that it is being postponed.

Councilmember Waneck indicated that the estimate certificate containing the quantities and costs is helpful. Dr. Boswell will coordinate with the Clerk to ensure the Governing Body always receives copies of the vouchers and estimates.

Councilmember Quinn asked if there will be any fines related to the cap. Dr. Boswell said he believes the DEP will be satisfied with the cap issues solution. Mayor Birkner asked if we have written verification from DEP that they will approve the cap solution. Dr. Boswell wouldn't recommend asking for it.

Councilmember Waneck asked if additional fees are being tracked, such as the cap boring. She wants everything to stay within the project budget.

Dr. Boswell asked if he can call his inspector to tell him the change order will be passed. Councilmember Grefrath added it to the consent agenda.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Shake-a-Can

Councilmember Grefrath reported that the shake-a-can recommendations from the Clerk's committee are to use a ribbon. Organizations can be assigned a color, and the ribbon can be tied on the steering wheel so it can be seen. Councilmember Sciara asked the origin of that idea. He feels that the Borough can suggest options but the decision of what to use should be left up to the organization. After further discussion, Mr. Huntington was directed to prepare a resolution authorizing the distribution of a token or receipt by shake-a-can organizations.

b) Shade Tree Committee Update

Councilmember Grefrath related the Shade Tree Committee's request to the Board of Education that no trees be removed during the renovations to make Ketler School a middle school. The Board cut down one tree, for which the Shade Tree Committee fined them based on ordinance 05-14. The Board of Education responded that they hoped the Shade Tree Committee would reconsider the fine. Councilmember Grefrath is discussing the situation with the Shade Tree Chair and Borough Administrator. He is also discussing with Mr. Huntington whether Shade Tree has the authority to send such letters. Councilmember Waneck pointed out that this is neither a planning nor zoning issue. Councilmember Grefrath said he is just clarifying the jurisdiction of each group.

c) Resolution #10 -202 : Authorizing Token or Receipt Policy for Shake-A-Can Fundraisers

Motion to adopt resolutions #10-202: Councilmember Grefrath

Second: Councilmember Sciara

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - No

Council President Miller – Yes

2) Police and OEM:

a) Parking Authority Update

Council President Miller advised that there are new parking meters on Westwood Avenue. These meters have a 'grace period' button that allows motorists to park for ten minutes for free.

b) Police Update

Council President Miller announced that fifteen years ago on July 26th, Sergeants Hutchinson and McClutchy, Officer McNiff and Detective Saul joined the Westwood Police Department.

3) Fire and Ambulance:

a) Resolution #10 - 203: Westwood Volunteer Fire Department Matters of Personnel

Motion to adopt resolutions #10-203: Councilmember Sciara

Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

All members expressed regrets, thanks, and appreciation to Firefighter Schmidt upon his retirement.

4) Public Properties:

a) DPW Update

Councilmember Phayre reminded everyone that the Borough has implemented single source recycling. He pointed out that residents should check their recycling schedules regularly to avoid confusion over when to place items at the curb.

Councilmember Phayre thanked everyone who helped at the scene of the DPW accident. He asked for prayers for Gary Haight and his family.

5) Land Use:

a) Planning Board Update

Councilmember Waneck announced that the Planning Board will not meet this week. The Chairman is cognizant of the costs for the professionals, so he is canceling meetings when viable. There will be a meeting in August.

b) Environmental Committee

The Environmental Committee is on summer hiatus. Councilmember Waneck has been assured that the Borough has enough points under Sustainable New Jersey to achieve the bronze level.

c) Construction fees

Councilmember Waneck is deferring the discussion on construction fees until the next work meeting. The Governing Body will need to make decisions about the Construction Office fee, particularly fee waivers, because the fees cover the cost of the inspectors. Councilmember Waneck will have more details at the work session.

6) Health and Recreation: IQ

a) Library Update

Councilmember Quinn declared that the summer reading program at the Library is going well.

b) Recreation Update

Councilmember Quinn announced that the Summer Recreation program is going well. There have been some minor first aid issues in the past 24 hours, but the staff is trained to handle these situations. The children are having a great time. With the excessive heat this summer, Councilmember Quinn gives everyone a lot of credit for making the program work.

A new brochure for the special needs program will soon be available at the Recreation Department.

D) Attorney's Report

No report

E) Administrator's / Clerk's Report

1) Community Development Representatives

Mr. Hoffmann said it is time to choose the Community Development Representatives for 2010-2011.

2) Banking RFP

Mr. Herr has advised that TD Bank wants to end its banking relationship with the Borough in September. Mr. Hoffmann is requesting authorization to solicit RFPs for banking services. Councilmember Phayre asked why TD Bank is ending the relationship. Mr. Hoffmann said they doing so with all public sector customers in order to raise fees. Councilmember Waneck asked if it affects the funding of the concerts. No one was sure.

3) Winery License

Mrs. Hughes advised that the Sharrott Estate Winery has applied to the Division of ABC for a license to sell their New Jersey wines at Banchetto Feast. She explained the details of the arrangement. This is a State license that is not issued or renewed by the municipality. The Governing Body had no objections.

14. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Sciara

Second: Council President Miller

Voice Vote: A voice vote was taken with all present voting in the Affirmative

Loreny Saxenian, 2 Sutton Place – asked if it was appropriate to voice her concerns on an ordinance at this time. Mayor Birkner explained the public hearing process on ordinances. Ms. Saxenian said she would wait for the ordinance hearing.

Brenda Yanni, Hewitt, NJ – has issues with changing the bus routes. Ms. Yannis' father lives in Park Ridge and picks her up in Westwood when she comes to visit him. She believes Jefferson Avenue is a safe place for him to wait for her. Old Hook Road seems dangerous and frightening. She will come back during the ordinance hearing to voice further concerns.

Denny Panakal, 168 Kinderkamack Road – also concerned with eliminating the bus stop. Mr. Panakal believes it is a very bad idea. He said the buses on Jefferson Avenue causing traffic issues is not problem, it is the businesses and parking on Jefferson that causes problems. Mr. Panakal has safety concerns with crossing Old Hook Road in the dark. He feels there should be more thought put into the ordinance.

Cynthia Deveraux, 190 Kinderkamack - the current bus stop is right outside her door, so she is most impacted by its noise. However, Ms. Deveroe is against moving the bus stop. She recognizes speeding is an issue, but thinks the way to address it is to alert bus drivers to drive the speed limit and

drive in the lane. Ms. Deveroe wants to keep bus stops where the people are, not make people go to the stops. Working people should not have to walk.

Loreny Saxenian – moved here because Westwood encompassed what she wanted in a town. Changing the bus route leaves a bad taste in her mouth. Ms. Saxenian said the idea gives the impression that not a lot of thought has been put into it. Eliminating the stops would be more than an inconvenience, it would be dangerous. Bus riders would have to cross four lanes of traffic. Ms. Saxenian asked if the true motive is safety, how can this be an alternative. There is no stopping or standing allowed on Old Hook Road, so drivers cannot drop people off at the bus stop. She believes buses should move more slowly down Jefferson Avenue rather than reroute them to Old Hook Road. Jefferson Avenue is amply wide compared to most city streets. Ms. Saxenian suggested adding rather than eliminating bus stops. She stated that moving bus stops adds to commuting hours. Ms. Saxenian urged the Council to heed the concerns.

Jeff Brown, 456 Fairview Avenue, DSC Soccer Coach - voiced concern with placing the dog run next to the soccer field at Westvale Park. Mr. Brown had submitted a letter to the Governing Body on the matter earlier in the day. The dog park will be about 20 feet from the soccer field, which is only 12 ft past the goal. He believes the dog park will be bombarded with soccer balls. It will also cause congestion in the area. Mr. Brown stated that the placement would be in direct conflict with Soccer Association rules which do not allow an off field position behind the goal line. There may have referees that refuse to allow games. It could also be distracting to goalies. Mr. Brown said he is not objecting to having a dog park, he is asking to move it somewhere less conspicuous. He suggested closer to the Pascack Brook Park, where there is more room so the dog park would be bigger.

Frank Nicholas, Grand Avenue – regarding the bus stop, he feels that the Jefferson Avenue area is dangerous, between the schools and Community Center. Buses make it worse. Mr. Nicholas said that while the others have compelling reasons, he has children. Children are not concentrating on what is going on around them while they are walking to school. He does not drive in that area because it is dangerous. Mr. Nicholas feels it doesn't make sense to leave the buses on Jefferson Avenue.

Sally Provenzano, 18 Lotus Street – feels moving the bus stop doesn't have enough validity. Ms. Provenzano said the move would result in more time spent commuting. She believes an Old Hook Road bus stop doesn't make sense because it is dangerous. She asked the Governing Body to please reconsider the matter.

Larry Ramponi, 162 Kinderkamack – if Jefferson Avenue is truly a bad spot, he believes moving it to Old Hook is dangerous.

Motion to close the public hearing: Councilmember Sciara

Second: Council President Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

15. Ordinances of First & Final Reading:

Ordinances For Introduction

10-16 An Ordinance To Amend Ordinance 10-11 An Ordinance To Establish A Schedule Of Salaries, Wages And Compensation Of The Public Officials, Officers And Employees Of The Borough Of Westwood In The County Of Bergen, And To Establish A Method Of Payment Of Such Compensation During Calendar Year 2010

BE IT RESOLVED that Ordinance #10-16 entitled “An Ordinance To Amend Ordinance 10-11 An Ordinance To Establish A Schedule Of Salaries, Wages And Compensation Of The Public Officials, Officers And Employees Of The Borough Of Westwood In The County Of Bergen, And To Establish A Method Of Payment Of Such Compensation During Calendar Year 2010” is hereby introduced by title; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to advertise said ordinance with an August 3, 2010 hearing date in the official newspaper according to law.

Motion to pass the ordinance on First Reading: Councilmember Grefrath

Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

10-17 An Ordinance Amending In Its Entirety Ordinance No. 09-25, Providing For The Acquisition Of Various Equipment For The Borough Of Westwood Police Department Adopted On November 24, 2009, Appropriating \$85,000 From The Capital Improvement Fund

This ordinance was held for further discussion.

Ordinances on Final Hearing

10-12 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey Providing For Renovations To The Borough Hall In The Borough Of Westwood, And Appropriating \$40,000 Therefor From The Borough's Capital Improvement Fund

BE IT RESOLVED that Ordinance #10-12 entitled “An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey Providing For Renovations To The Borough Hall

In The Borough Of Westwood, And Appropriating \$40,000 Therefor From The Borough's Capital Improvement Fund", having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Grefrath Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

Councilmember Grefrath explained that this ordinance provides for physical improvements to the Borough Hall, with funding taken out of the capital budget.

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Grefrath

Second: Councilmember Waneck

Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #10-12 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Grefrath Second: Councilmember Waneck

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

10-13 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Various Capital Improvements And Other Related Expenses In And For The Borough Of Westwood And Appropriating \$260,000 Therefor, And Providing For The Issuance Of \$247,000 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

BE IT RESOLVED that Ordinance #10-13 entitled "An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For Various Capital Improvements And Other

Related Expenses In And For The Borough Of Westwood And Appropriating \$260,000 Therefor, And Providing For The Issuance Of \$247,000 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same”, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Grefrath Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Grefrath

Second: Councilmember Phayre

Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #10-13 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Grefrath Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

10-14 An Ordinance To Amend Section 10.28.020 Entitled “Bus Stops – Designated” Of The Code Of The Borough Of Westwood

BE IT RESOLVED that Ordinance #10-14 entitled “An Ordinance To Amend Section 10.28.020 Entitled “Bus Stops – Designated” Of The Code Of The Borough Of Westwood”, having hereby been read by title, shall have a hearing held on this date.

Councilmember Grefrath gave a synopsis of the ordinance prior to opening the floor to the public, using a map to indicate the proposed bus stop locations from Jefferson Avenue to Old Hook Road. He explained that NJ Transit, Coach USA and Bergen County have all been involved in the process.

Councilmember Grefrath emphasized that he considers the change to be a safety issue.

Councilmember Sciara asked about accommodating the passengers. Councilmember Grefrath said NJ Transit hasn't yet indicated if they would install a weatherproof house. He noted that the existing stop are not being discontinued, they just won't be recognized by NJ Transit and Coach USA. Councilmember Waneck asked about crosswalks. Councilmember Grefrath said an island and crosswalk would be installed at the proposed bust stop area. The Governing Body reviewed the new stop locations and discussed existing stops.

Councilmember Sciara asked if the County aware of this proposal. Councilmember Grefrath said it can't be done without the County being aware. The Freeholders are waiting for the Borough's ordinance in order for them to approve the new stops on the County road. Councilmember Grefrath estimated that once the County approved, it would probably be January before the change occurred. Councilmember Sciara observed that the County had done work at the Broadway/Kinderkamack/Old Hook intersection to improve traffic flow, which the bus stop will impede. Councilmember Grefrath said the new bus stop is on a two lane road so traffic can get by. He asked Captain Durante to elaborate on traffic flow. Captain Durante concurred with Councilmember Grefrath. The Captain has visited the site many times, has been in contact with the County and bus companies, and has accompanied their Safety Directors looking for alternative routes. He explained how the types of bus routes limited the choices for relocation. From a Police Department standpoint, Captain Durante concurs that the change in makeup of Jefferson Avenue has created a potentially dangerous situation. He has personally spoken to the bus companies about slowing down. Captain Durante said the buses are not actually speeding, it's the size of the vehicle that is not safe for the roadway. This ordinance is trying to correct an existing problem. Captain Durante commented that he was an investigator on the fatal crash on Westwood Avenue and does not want to see that situation occur again. He informed that the intersection by Old Hook and Kinderkamack is a recent upgrade now controlled with updated equipment and pedestrian moving equipment which is not at other locations.

Councilmember Phayre asked if a safety study by NJ Transit determined the locations. Councilmember Grefrath said yes, he made suggestions but the NJ Transit engineers studied the locations.

Councilmember Waneck said notification of the pending change had been posted on the website. Councilmember Grefrath has solicited and distributed input from riders. She asked if he had received any additional input. Councilmember Grefrath said he originally brought up the idea during election campaigning, when he heard residents say the Governing Body must get buses off of Jefferson Avenue. He created flyers and posted them, handed out flyers on the buses, and posted them on the website and in the Clerks office. He said he was glad people were in attendance to voice their opinions.

Councilmember Quinn asked about the lighting on Old Hook Road. Councilmember Grefrath said Old Hook is not dark. Councilmember Quinn thought that because it is less congested, it might be less lit.

Motion to open the public hearing: Councilmember Grefrath

Second: Councilmember Waneck

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

Public Comments:

Denny Panakal, 168 Kinderkamack Road - discussed the locations of the stops, noting that the three stops on Jefferson Avenue are being replaced with only two. Mr. Panakal believes it is unfair to remove stops because of businesses that the town allowed on Jefferson Avenue. He suggested alternate side parking as a solution. Mr. Panakal said this is changing the route from a pedestrian-friendly street to a non pedestrian-friendly street. It will add walking time to everyone's commute time. He believes moving stops should have been suggested by commuters, not a councilman.

Loreny Saxenian, 2 Sutton Place – commented that she didn't receive any notification on this issue. Ms. Saxenian reiterated her concerns on moving the bus stops.

Cynthia Deveraux, 190 Kinderkamack – voiced concern that there may not be sidewalks on Old Hook Road, which will cause people to cut across weeded areas and fences. Ms. Deveraux said she would walk farther to go to a lighter and therefore safer spot.

Brenda Yanni, Hewitt – said she got the word out on the hearing. Ms. Yanni discussed her opposition to the changes. She said she is shocked that buses on Forest Avenue are not being rerouted for this same reason. She asked if Jefferson Avenue is too narrow for fire trucks.

John Saxenian, 2 Sutton Place – conceded that there is some merit in the argument that Jefferson Avenue is very busy. He asked if there was there any consideration to routing the bus north of Jefferson onto Kinderkamack, which would alleviate concerns.

Captain Durante said that was one of the first considerations. That route would have been on Irvington, but the intersection was too narrow for the turn onto Kinderkamack. Mr. Saxenian asked if the Borough nixed the idea. Captain Durante said NJ Transit dictates the routes.

Councilmember Grefrath commented that the municipality creates a bus stop ordinance, based on the size requirements to fit a stop. He described 'as hailed' stops. Councilmember Grefrath explained that stops done by ordinance are for liability purposes in accidents. There used to be a stop in front of the Community Center, which he brought up to NJ Transit in May and was told it no longer exists. There is also no longer a stop at the Seville Diner.

Concerning advertisement of the issue, Councilmember Grefrath pointed out that the Community

Life and Pascack Press have run articles four times. The Record would only write on it when the ordinance is adopted.

Loreny Saxenian – reiterated her safety concerns, and suggested speed humps for Jefferson Avenue.

Brenda Yanni – reiterated her concerns.

Mayor Birkner observed that the Governing Body has heard some compelling reasons against the change. He thanked those who spoke for being part of the process. Mayor Birkner noted that many people have supported the changes, but it is important to hear the opposition as well.

Motion to close the public hearing: Councilmember Grefrath

Second: Council President Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #10-14 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Grefrath Second: Councilmember Sciara

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre – No. He commented that the commuter standpoint was brought out, so he would like to see further study.

Councilmember Quinn – No. She also feels the discussion was fruitful, and the matter needs further study.

Councilmember Sciara – Yes. He said he listened to the audience's comments and read the email feedback. He also listened to the Captain's comments, who is trained in traffic and tries to make town as safe as possible. His inclination is to go with the professional's recommendation.

Councilmember Waneck - Yes. She noted that "we are you", meaning Governing Body members are also commuters. She herself has commuted for 28 years on the 165 168 buses as well as the train. Councilmember Waneck understands what it means to walk, having lived on both sides of the Borough. Recently she walked to hand therapy on the corner where this bus stop will be, so she understands the concerns. She also knows there is real problem on Jefferson Avenue, which is why she agrees with the ordinance.

Council President Miller – No. He recognizes the dilemma on Jefferson, but questions whether this is the solution. Council President Miller has the utmost respect for the Captain. He is just not sure he is comfortable enough to say the Borough has exhausted all alternatives.

Mrs. Hughes advised that it is a tie vote, in which case the Mayor votes to break the tie.

Mayor Birkner – No. He noted there were compelling arguments on both sides. Mayor Birkner said Jefferson Avenue is an accident waiting to happen. It is disturbing to see how tight it is, with buses moving at perceived high speeds. However, he thinks not enough thought has been put into alternatives. Mayor Birkner thinks the most compelling argument was the number of bus stops being removed versus the number being added. He was not initially sympathetic to walking a little further, but was moved by the realization that people would be walking further from two other bus stops. Westwood is commuter community that needs to encourage commuters. He wants to look into other alternatives.

Ordinance is defeated.

Councilmember Grefrath thanked the residents for voicing their opinions.

10-15 An Ordinance To Amend Chapter 2.80 Entitled “Volunteer Organization Member Benefits”

BE IT RESOLVED that Ordinance #10-15 entitled “An Ordinance To Amend Chapter 2.80 Entitled “Volunteer Organization Member Benefits””, having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Quinn Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Quinn

Second: Councilmember Sciara

Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #10-15 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Quinn Second: Councilmember Phayre

Roll Call: Councilmember Grefrath - Yes
Councilmember Phayre - Yes
Councilmember Quinn - Yes
Councilmember Sciara - Yes
Councilmember Waneck - Yes
Council President Miller – Yes

16. Presentation of Bills, Financial Reports and Resolutions:

Mayor Birkner advised that the following Resolutions would be enacted in one motion. Councilmembers who wished to remove any Resolution(s) to be voted upon separately, had the opportunity to do so at this time, and said Resolutions would be considered separately.

Pertaining to the Green Policy, Councilmember Waneck asked whether it should be discouraging pest chemicals. Mr. Hoffmann said the language came directly from the Sustainable NJ website. Councilmember Waneck questioned the use of the term ‘Green Team’ instead of ‘task force’. Mr. Huntington said the language could be clarified.

Councilmember Grefrath reminded the Governing Body that they needed to choose a member and alternate for Community Development. Councilmember Sciara volunteered, with Councilmember Quinn as alternate.

Resolutions as Consent Agenda:

- Resolution #10 - 204: Bill List & Statement of Cash**
- Resolution #10 - 205: Chapter 159 – Alcohol Education & Rehabilitation Fund**
- Resolution #10 - 206: Authorizing the Solicitation of RFPs for Banking Services**
- Resolution #10 - 207: Authorization to Revise Tax Maps**
- Resolution #10 - 208: Approval To Submit A Grant Agreement And Execute A Grant Agreement With the New Jersey Department of Transportation for the Improvements To Roosevelt Avenue as the 2011 Municipal Aid Project**
- Resolution #10 - 209: Approval To Submit A Grant Application And Execute A Grant Agreement With The New Jersey Department of Transportation for the Roosevelt Avenue Improvements Project**
- Resolution #10 - 210: 2010-2011 Community Development Representatives**
- Resolution #10 - 211: 2011-2012 CD Grant Endorsement – Thomas J. Riley Senior Center Corp.**
- Resolution #10 - 212: Accepting The Proposal Submitted By Owl Contracting To Construct Improvements To Irvington Street Section 2 As A Part Of The Comprehensive Project Known As The 2009 Pascack**

**Valley NJDOT Project For The Pascack Valley Cooperative
Pricing System (#107-PVCPS)**

Resolution #10 - 213: Green Purchasing Policy

Resolution #10 - 214: Award of Bid for Garbage Truck

Resolution #10 - 215: Award of Bid for Stump Grinder

Resolution #10 - 216: Change Order #1 for Westvale Park

Motion to adopt resolutions #10-204 through #10-216: Councilmember Grefrath

Second: Council President Miller

Roll Call: Councilmember Grefrath - Yes

Councilmember Phayre - Yes

Councilmember Quinn - Yes

Councilmember Sciara - Yes

Councilmember Waneck - Yes

Council President Miller – Yes

17. Adjournment:

Motion to adjourn: Councilmember Sciara

Second: Council President Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 11:39 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk

Proofed by: Denise Holmes, Deputy Clerk